

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201910019	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/15/2019 10:45 PM, Friday, 11/15/2019 11:30 PM	Location of Incident: 109th Precinct stationhouse	Precinct: 109	18 Mo. SOL 5/15/2021	EO SOL 12/30/2021	
Date/Time CV Reported Mon, 11/18/2019 8:45 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 11/18/2019 8:45 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Elvin Mera	15564	953104	109 PCT
2. SGT Frank Laquidara	01986	941474	INT CIS
3. LT Christopher Lippolis	00000	947179	109 PCT
4. POM Nuran Ali	14491	917217	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Harris	21499	951809	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Frank Laquidara	Force: Sergeant Frank Laquidara used physical force against § 87(2)(b)	
B.SGT Frank Laquidara	Force: Sergeant Frank Laquidara used physical force against § 87(2)(b)	
C.SGT Frank Laquidara	Force: Sergeant Frank Laquidara used a chokehold against § 87(2)(b)	
D.SGT Frank Laquidara	Force: Sergeant Frank Laquidara restricted § 87(2)(b)'s breathing.	
E.SGT Frank Laquidara	Abuse: Sergeant Frank Laquidara threatened § 87(2)(b) with the use of force.	
F.SGT Frank Laquidara	Abuse: Sergeant Frank Laquidara refused to provide his name to § 87(2)(b)	
G.LT Christopher Lippolis	Abuse: Lieutenant Christopher Lippolis threatened to arrest § 87(2)(b)	
H.POM Elvin Mera	Abuse: Police Officer Elvin Mera threatened to arrest § 87(2)(b)	
I.POM Nuran Ali	Abuse: Police Officer Nuran Ali failed to obtain language interpretation services for § 87(2)(b)	
J.POM Elvin Mera	Abuse: Police Officer Elvin Mera failed to obtain language interpretation services for § 87(2)(b)	
K.POM Nuran Ali	Abuse: Police Officer Nuran Ali did not process § 87(2)(b)'s complaint regarding officers.	
L.POM Elvin Mera	Abuse: Police Officer Elvin Mera did not process § 87(2)(b)'s complaint regarding officers.	

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(b)	§ 87(2)(g), § 87(4-b)	

## Case Summary

On November 18, 2019, § 87(2)(b) filed this complaint on the CCRB website.

On November 15, 2019, at approximately 10:45 p.m., § 87(2)(b) and his wife, § 87(2)(b) were inside the 109<sup>th</sup> Precinct stationhouse, located at 37-05 Union Street in Queens. Sergeant Frank Laquidara, of the Criminal Intelligence Section but permanently assigned to the 109<sup>th</sup> Precinct, forcefully pulled § 87(2)(b) up from a chair and shoved him out the front door of the stationhouse (**Allegations A-B: Force**, § 87(2)(g)). In front of the stationhouse, Sgt. Laquidara allegedly placed his hand around § 87(2)(b)'s neck, choking § 87(2)(b) and restricting his breathing (**Allegations C-D: Force**, § 87(2)(g)). Sgt. Laquidara allegedly said, "If you come back here, I'll kill you" (**Allegation E: Abuse of Authority**, § 87(2)(g)). Sgt. Laquidara also allegedly failed to provide his name to § 87(2)(b) upon request (**Allegation F: Abuse of Authority**, § 87(2)(g)). Lieutenant Christopher Lippolis and Police Officer Elvin Mera, both of the 109<sup>th</sup> Precinct, allegedly threatened to arrest § 87(2)(b) if he did not leave (**Allegations G-H: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) left the scene without being arrested or issued any summonses.

On November 15, 2019 at approximately 11:30 p.m., § 87(2)(b) returned to the 109<sup>th</sup> Precinct stationhouse and spoke to PO Mera and Police Officer Nuran Ali, also of the 109<sup>th</sup> Precinct. PO Ali and PO Mera allegedly refused to provide § 87(2)(b) with interpretation services or to allow her to file a CCRB complaint (**Allegations I-L: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

Sgt. Laquidara has since been reassigned to the Internal Affairs Bureau. PO Mera has been reassigned to Patrol Borough Brooklyn North. Lt. Lippolis has been reassigned to the Queens Special Victims Squad.

The investigation obtained stationhouse CCTV footage capturing much of this incident (**Board Review 01-03**). Sgt. Laquidara was not equipped with a BWC during the incident as he had been performing administrative duties inside the stationhouse. PO Harris and Lt. Lippolis were not wearing BWCs at the time of the incident because they were already at the conclusion of their tours and readying to leave work when the incident began. PO Mera testified that he had not yet been equipped with a BWC at the time of this incident. PO Ali believed that the battery on his BWC had expired by the time of the incident, as it happened at the very end of his tour.

This case was reassigned from Inv. Faria Tasnim to SI Julian Phillips on September 12, 2020, after Inv. Tasnim's departure from the CCRB.

## Findings and Recommendations

**Allegation (A) Force: Sergeant Frank Laquidara used physical force against § 87(2)(b)**

**Allegation (B) Force: Sergeant Frank Laquidara used physical force against § 87(2)(b)**

CCTV footage from inside the stationhouse front lobby (**Board Review 01**) shows § 87(2)(b) and § 87(2)(b) speaking to an officer in the lobby (from 04:29 through 17:29). CCTV footage from a civilian waiting area (**Board Review 02**) shows (from 17:20) that, after speaking to the officer in the lobby, § 87(2)(b) and § 87(2)(b) sat in the waiting area for approximately ten minutes. At that point (approximately 26:15), Sgt. Laquidara approached § 87(2)(b) immediately grasped his shoulder, pulled him out of his chair, and shoved him repeatedly through the lobby of the stationhouse and out the front door.

The testimony of § 87(2)(b) (**Board Review 04**) and § 87(2)(b) (**Board Review 05**) was largely consistent with the video footage of this incident. § 87(2)(b) and § 87(2)(b) testified that they asked PO Ali and PO Mera for the names of officers with whom they had recently interacted. PO Ali and PO Mera invited § 87(2)(b) and § 87(2)(b) to sit in the waiting room to see if they recognized any of the officers who arrived at the upcoming change of tour. Sgt. Laquidara approached and asked § 87(2)(b) why he was in the stationhouse, and § 87(2)(b) replied that he was being helped by officers. At no point did any officer ask § 87(2)(b) and § 87(2)(b) to exit the stationhouse. Sgt. Laquidara approached § 87(2)(b) a second time and pulled § 87(2)(b) up from the chair and pushed him towards the exit while ordering him to leave.

Sgt. Laquidara testified (**Board Review 06**) that, shortly before this incident, he received a call from Police Officer Richard Harris, also of the Criminal Intelligence Section but permanently assigned to the 109<sup>th</sup> Precinct. PO Harris informed Sgt. Laquidara that, several minutes previously, he had walked from the stationhouse to his personal vehicle, and § 87(2)(b) had followed him, which he found to be concerning. Sgt. Laquidara testified that he approached § 87(2)(b) and asked to speak to him, prompting § 87(2)(b) to stand up and begin yelling. Because § 87(2)(b) had followed PO Harris and had rapidly stood up and begun yelling upon being approached, Sgt. Laquidara decided to escort § 87(2)(b) out of the stationhouse for security reasons. Sgt. Laquidara did not recall whether he issued § 87(2)(b) any verbal commands prior to using physical force to escort him out of the stationhouse. Sgt. Laquidara denied using any physical force to remove § 87(2)(b) from the chair. Sgt. Laquidara acknowledged that § 87(2)(b) was unwilling to walk out of the stationhouse and that he needed to press against § 87(2)(b) while escorting him outside.

§ 87(2)(b), § 87(2)(e), § 87(2)(g) § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b) § 87(2)(b)  
§ 87(2)(b)

As noted above, Sgt. Laquidara's testimony that he merely asked to speak to § 87(2)(b) and that § 87(2)(b) responded by standing up and yelling at him, was not consistent with the video footage. The footage shows that Sgt. Laquidara immediately grabbed § 87(2)(b) and pulled him up out of his chair.

Patrol Guide Procedure 221-01 (**Board Review 08**) states that officers may use physical force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)

**Allegation (C) Force: Sergeant Frank Laquidara used a chokehold against § 87(2)(b)**

**Allegation (D) Force: Sergeant Frank Laquidara restricted § 87(2)(b)'s breathing.**

**Allegation (E) Abuse of Authority: Sergeant Frank Laquidara threatened § 87(2)(b) with the use of force.**

**Allegation (F) Abuse of Authority: Sergeant Frank Laquidara refused to provide his name to § 87(2)(b)**

CCTV footage from the exterior of the stationhouse (**Board Review 03**) captures much of this portion of the incident. However, due to the positioning of the camera, the portion of the incident in which the alleged chokehold occurred is not visible. The footage shows (from 26:32 through 27:23) that PO Ali and Lt. Lippolis exited the stationhouse with Sgt. Laquidara, § 87(2)(b) and § 87(2)(b). The camera's view of § 87(2)(b) and Sgt. Laquidara was obstructed by a wall as they passed through the location where the alleged chokehold occurred. Sgt. Laquidara escorted § 87(2)(b) down a ramp leading from the front door to the sidewalk before returning to the stationhouse. The footage does not contain audio.

§ 87(2)(b) testified that, immediately after Sgt. Laquidara pushed him out of the front door of the stationhouse, Sgt. Laquidara pushed § 87(2)(b)'s back against a wall. Sgt. Laquidara then wrapped his right hand around the front and sides of § 87(2)(b)'s neck and applied pressure to his windpipe for approximately five to ten seconds, restricting § 87(2)(b)'s breathing. Sgt. Laquidara said, "If you come back again, I'll kill you." After Sgt. Laquidara released § 87(2)(b)'s neck, § 87(2)(b) asked Sgt. Laquidara for his name, but Sgt. Laquidara did not respond before going back inside the stationhouse.

§ 87(2)(b) testified that she saw Sgt. Laquidara choke § 87(2)(b) in the manner described above for approximately one to two minutes. § 87(2)(b) further testified that, although she did not understand the English language fluently, she heard Sgt. Laquidara say the word "kill" during the incident. However, she could not recall precisely when she heard Sgt. Laquidara use that word. § 87(2)(b) did not testify that § 87(2)(b) asked Sgt. Laquidara for his name.

Sgt. Laquidara testified that, after he escorted § 87(2)(b) out the front door of the stationhouse, he continued to walk with § 87(2)(b) away from the door and down a ramp leading to the sidewalk before releasing § 87(2)(b) on the ramp. Sgt. Laquidara denied making contact with § 87(2)(b)'s neck or chest, denied that there was any indication that § 87(2)(b) was experiencing difficulty breathing, and denied telling § 87(2)(b) that he would kill him. Sgt. Laquidara further testified that § 87(2)(b) asked for his name, and Sgt. Laquidara provided his name and rank in response.

PO Ali testified (**Board Review 09**) that he had a very poor memory of this incident, and he did not recall Sgt. Laquidara making any physical contact with § 87(2)(b). PO Ali specifically testified that he did not recall Sgt. Laquidara placing his hand on § 87(2)(b)'s throat and did not recall Sgt. Laquidara saying, "If you come back here, I'll kill you." Lt. Lippolis testified (**Board Review 10**) that, although he recalled Sgt. Laquidara interacting with § 87(2)(b) he did not witness Sgt. Laquidara place a hand on § 87(2)(b)'s throat or hear Sgt. Laquidara say, "If you come back here, I'll kill you." Lt. Lippolis further testified that he did not hear § 87(2)(b) ask Sgt. Laquidara for his name.

§ 87(2)(g)

**Allegation (G) Abuse of Authority: Lieutenant Christopher Lippolis threatened to arrest § 87(2)(b).**

**Allegation (H) Abuse of Authority: Police Officer Elvin Mera threatened to arrest § 87(2)(b)**

CCTV footage from outside the stationhouse (**Board Review 03**) shows (beginning at 26:32) that, after Sgt. Laquidara released § 87(2)(b) and § 87(2)(b) remained in front of the stationhouse for approximately three minutes before walking away. During this time, § 87(2)(b) spoke to several officers, including PO Ali and PO Mera, gestured with his arms, and repeatedly approached the front door of the stationhouse as officers apparently directed him to stay away. The footage does not capture any bystanders stopping to watch the scene. The footage does not include audio.

§ 87(2)(b) testified that, after Sgt. Laquidara returned to the stationhouse, he remained in front of the stationhouse speaking to the officers for approximately two minutes. § 87(2)(b) was angry and may have raised his voice. During the conversation, PO Mera told § 87(2)(b) that he had to leave, and § 87(2)(b) responded by asking PO Mera for Sgt. Laquidara's name. PO Mera provided Sgt. Laquidara's name, and told § 87(2)(b) that he needed to leave and that he would be arrested if he did not comply. Lt. Lippolis also told § 87(2)(b) to leave and that he would be arrested if he did not do so.

§ 87(2)(b) testified that she did not understand much of the conversation between § 87(2)(b) PO Mera, and Lt. Lippolis, but she recalled that § 87(2)(b) asked officers for Sgt. Laquidara's name and that an officer told them to leave. § 87(2)(b) subsequently told § 87(2)(b) that Lt. Lippolis had threatened to arrest them during the conversation.

PO Ali testified that he did not recall the conversation with § 87(2)(b) and § 87(2)(b) outside the stationhouse, and he did not recall any officer saying anything about the possibility of an arrest.

Lt. Lippolis testified that § 87(2)(b) was yelling in front of the stationhouse, and specifically that he yelled, "Fuck you!" while gesticulating with his arms. Officers ordered § 87(2)(b) to leave. Lt. Lippolis did not recall speaking to § 87(2)(b) and he did not recall telling § 87(2)(b) that he could be arrested if he did not leave. Lt. Lippolis stated that it was possible that he or another member of service informed § 87(2)(b) that he could be arrested for trespass if he did not leave the premises.

PO Mera testified (**Board Review 11**) that, after Sgt. Laquidara went back into the stationhouse, § 87(2)(b) and § 87(2)(b) were yelling. PO Mera specifically recalled the civilians yelling that they wanted Sgt. Laquidara's name, that they used profanity, and that § 87(2)(b) attempted to approach the door of the stationhouse. PO Mera spoke to the civilians for approximately one to two minutes, during which time he told them to calm down and told them to leave approximately ten times. PO Mera denied that he told § 87(2)(b) that he would be arrested if he returned to the stationhouse.

**Allegation (I) Abuse of Authority: Police Officer Nuran Ali failed to obtain language interpretation services for § 87(2)(b)**

**Allegation (J) Abuse of Authority: Police Officer Elvin Mera failed to obtain language interpretation services for § 87(2)(b)**

**Allegation (K) Abuse of Authority: Police Officer Nuran Ali did not process § 87(2)(b)'s complaint regarding officers.**

**Allegation (L) Abuse of Authority: Police Officer Elvin Mera did not process § 87(2)(b)'s complaint regarding officers.**

CCTV footage from inside the front lobby of the 109<sup>th</sup> Precinct stationhouse (**Board Review 01**) shows (beginning at 57:20) that § 87(2)(b) returned to the stationhouse approximately 30 minutes after the incident and spoke to PO Ali and PO Mera. The video footage does not include audio. Shortly after § 87(2)(b) arrived, the officers stepped with her into the vestibule of the stationhouse, where their interaction was not captured by cameras. Their conversation lasted approximately two and a half minutes, at which point PO Ali and PO Mera came back into the stationhouse lobby without § 87(2)(b).

§ 87(2)(b) testified that she returned to the stationhouse because she wished to better understand why the incident had just occurred. During her conversation with PO Ali and PO Mera, the officers explained to her that she could file a complaint with the CCRB by telephone, and they wrote down the phone number for the CCRB. § 87(2)(b) experienced difficulty understanding the officers, and she pointed at a sign that stated that there were interpreters for Mandarin Chinese. § 87(2)(b) further said to the officers, “My English is not good. I need a translator.” Neither PO Ali nor PO Mera obtained an interpreter for § 87(2)(b) and neither officer informed her that she could file a CCRB complaint immediately at the stationhouse.

PO Mera recalled the incident and his initial interactions with § 87(2)(b) and § 87(2)(b) but he could not recall if § 87(2)(b) ever returned to the stationhouse at a later time. He recounted, however, that he spoke to § 87(2)(b) in English and that she appeared to speak and understand English during his initial interaction with her. PO Mera denied that § 87(2)(b) ever specifically requested an interpreter or pointed at a posted sign to request an interpreter at any point. PO Mera further testified that, during this initial interaction, he wrote down the CCRB’s phone number for § 87(2)(b) and § 87(2)(b) as they had come to the stationhouse to obtain the names and shield numbers of officers in a cellphone video. He did not recount them specifically asking to file a complaint or ever refusing to process a complaint.

PO Ali was not interviewed until approximately 15 months following the incident. He testified that he did not recall § 87(2)(b) returning to the stationhouse. He denied failing to provide § 87(2)(b) with an interpreter upon her request, and he affirmed that he would have done so had she asked for an interpreter. PO Ali denied responding to any request by § 87(2)(b) to file a CCRB complaint by sending her away.

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g), § 87(4-b)  
[REDACTED]

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



- PO Ali has been a member of service for 24 years and has been subject to five additional CCRB complaints and six allegations, none of which was substantiated. § 87(2)(g)
- Sgt. Laquidara has been a member of service for 14 years and has been subject to 10 additional CCRB complaints and 19 allegations, one of which was substantiated:
  - 201305244 involved a substantiated allegation of a threat of arrest against Sgt. Laquidara. The Board recommended Charges, but the NYPD imposed no discipline.
  - § 87(2)(g)
- Lt. Lippolis has been a member of service for 12 years and has been subject to two additional CCRB complaints and three allegations, none of which was substantiated. § 87(2)(g)
- PO Mera has been a member of service for eight years and this is the first CCRB complaint to which he has been subject.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of October 21, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 15**).
- According to the NYPD's Booking, Arraignment, and Disposition System, neither § 87(2)(b) nor § 87(2)(b) has any history of arrests in NYC.

Squad No.: 5

Investigator: <u>Julian Phillips</u>	<u>SI Julian Phillips</u>	<u>August 14, 2021</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>August 16, 2021</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date